

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STANLEY ETHRIDGE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11CV02100 AGF (TIA)
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Magistrate Judge Terry I. Adelman’s Report and Recommendation that the Commissioner’s decision denying Plaintiff’s application for disability insurance benefits under Title II of the Social Security Act be affirmed. Plaintiff has filed Objections to the Report and Recommendation.

When a party objects to a Magistrate Judge’s Report and Recommendation, the Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1). In his objections, Plaintiff argues that the Administrative Law Judge did not properly take into account Plaintiff’s mental impairments in assessing Plaintiff’s residual functional capacity. Plaintiff points to various medical opinions in the record as well as to evidence of his Global Assessment of Functioning (“GAF”) scores.

Upon de novo review of the record, including the administrative transcript, the Court believes that a close question is presented with respect to the ALJ's evaluation of Plaintiff's mental impairments. The medical record contains conflicting evidence on the matter. In such a case, it is the ALJ's domain and not the Court's to resolve such conflicts.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the United States Magistrate Judge's Report and Recommendation are **OVERRULED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the United States Magistrate Judge is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits under Title II of the Social Security Act is **AFFIRMED**.

A separate Judgment shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 14th day of March, 2013.